

Exhibit 6

From: Bailey, Kate (CIV)

Sent: Tuesday, September 25, 2018 9:24 PM

To: 'Goldstein, Elena' <Elena.Goldstein@ag.ny.gov>; Dale Ho <dho@aclu.org>; Freedman, John A. <John.Freedman@arnoldporter.com>; Federighi, Carol (CIV) <CFederig@CIV.USDOJ.GOV>; Coyle, Garrett (CIV) <gcoyle@CIV.USDOJ.GOV>; Kopplin, Rebecca M. (CIV) <rkopplin@CIV.USDOJ.GOV>; Halainen, Daniel J. (CIV) <dhalaine@CIV.USDOJ.GOV>; Tomlinson, Martin M. (CIV) <mtomlins@CIV.USDOJ.GOV>; Ehrlich, Stephen (CIV) <sehrlich@CIV.USDOJ.GOV>; Wells, Carlotta (CIV) <CWells@CIV.USDOJ.GOV>

Cc: Sarah Brannon <sbrannon@aclu.org>; Perry Grossman <PGrossman@nyclu.org>; Colangelo, Matthew <Matthew.Colangelo@ag.ny.gov>; Bauer, Andrew <Andrew.Bauer@arnoldporter.com>; Gersch, David P. <David.Gersch@arnoldporter.com>; Grossi, Peter T. <Peter.Grossi@arnoldporter.com>; Weiner, David J. <David.Weiner@arnoldporter.com>; Young, Dylan Scot <Dylan.Young@arnoldporter.com>; Kelly, Caroline <Caroline.Kelly@arnoldporter.com>; Saini, Ajay <Ajay.Saini@ag.ny.gov>

Subject: RE: NY v. Commerce, 18-cv-2921: outstanding discovery issues

Counsel,

With regard to the supplemental searches we agreed to conduct in response to your fifth motion to compel (Item 3 in your first discovery dispute letter today), please note that your recitation again mischaracterizes the searches we agreed upon, as you still include Velkoff and Raglin as custodians. We have repeatedly made clear in previous correspondence that we agreed to perform searches responsive to your motion and will not expand either the terms or custodians beyond the parties' previous agreement. That said, we look forward to conferring with you regarding the material the parties previously have discussed.

Regarding the focus group materials (Item 5 in your first discovery dispute letter today), they have been delivered to your office as requested. The FedEx tracking number is 8013 9046 6422. The remaining materials are undergoing DRB review, as clearly explained in my September 20 email. They will not be produced until that review is complete, per the timeline set forth in my previous email.

As for Item #6 in your first discovery dispute letter, 23 out of 26 of the briefing memos are attached. A technical glitch prevented production of the remaining three today; we will provide those to you ASAP.

Regarding Item #7 in your first dispute letter today *and* your second discovery dispute letter of the day, received at 7:46 pm, your assertion of entitlement to the items listed in #1 of Attachment A to that letter is incorrect. Plaintiffs are not

entitled to the materials relied upon by Dr. Abowd because his report was designated under Rule 26(a)(2)(C), not (B), and we will not be providing them. As for the other items requested in your second discovery dispute letter today, kindly identify the RFPs to which you believe these materials would be responsive.

Regarding your request to meet and confer “no later than tomorrow,” we each are unavailable during most of the day, but could make ourselves available at 5:30 pm. Please let us know if that works for you.

Kate Bailey

Trial Attorney

United States Department of Justice

Civil Division – Federal Programs Branch

20 Massachusetts Avenue, NW

Room 7214

Washington, D.C. 20530

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From: Goldstein, Elena [<mailto:Elena.Goldstein@ag.ny.gov>]

Sent: Tuesday, September 25, 2018 12:03 PM

To: Bailey, Kate (CIV) <katbaile@CIV.USDOJ.GOV>; Dale Ho <dho@aclu.org>; Freedman, John A. <John.Freedman@arnoldporter.com>; Federighi, Carol (CIV) <CFederig@CIV.USDOJ.GOV>; Coyle, Garrett (CIV) <gcoyle@CIV.USDOJ.GOV>; Kopplin, Rebecca M. (CIV) <rkopplin@CIV.USDOJ.GOV>; Halainen, Daniel J. (CIV) <dhalaine@CIV.USDOJ.GOV>; Tomlinson, Martin M. (CIV) <mtomlins@CIV.USDOJ.GOV>; Ehrlich, Stephen (CIV) <sehrlich@CIV.USDOJ.GOV>; Wells, Carlotta (CIV) <CWells@CIV.USDOJ.GOV>

Cc: Sarah Brannon <sbrannon@aclu.org>; Perry Grossman <PGrossman@nyclu.org>; Colangelo, Matthew <Matthew.Colangelo@ag.ny.gov>; Bauer, Andrew <Andrew.Bauer@arnoldporter.com>; Gersch, David P. <David.Gersch@arnoldporter.com>; Grossi, Peter T. <Peter.Grossi@arnoldporter.com>; Weiner, David J. <David.Weiner@arnoldporter.com>; Young, Dylan Scot <Dylan.Young@arnoldporter.com>; Kelly, Caroline <Caroline.Kelly@arnoldporter.com>; Saini, Ajay <Ajay.Saini@ag.ny.gov>

Subject: NY v. Commerce, 18-cv-2921: outstanding discovery issues

Counsel,

Please see attached.

Elena Goldstein | Senior Trial Counsel

Civil Rights Bureau

New York State Office of the Attorney General

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